

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of December 14, 2005. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-31 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1-6, 10, 16-21, 25, and 30-31 have been amended. Therefore, claims 1-31 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the Applicants acknowledge with appreciation, the Examiner's courtesy in granting a personal interview with the Applicants' representative Tim Brackett on January 26, 2006, during which the independent claims 1, 16 and 31, and the prior art references of record, were discussed.

Referring now to the Office Action, claims 1-4, 6, 8-10, 12, 16-19, 21, 23-25, 27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,273,174 to Cassini, in view of U.S. Patent No. 5,895,365 to Tomlinson. However, as discussed during the Interview, this rejection is traversed in that the bed rest pillow of Cassini fails to disclose armrests that are rotatably coupled to the backrest. Whereas Tomlinson does disclose a massaging bed rest cushion wherein the armrest are pivotable, the armrests in Tomlinson pivot while maintaining perpendicular orientation relative to the back portion of the bed rest cushion. This allows the two armrests of Tomlinson to be spread apart from each other. As also discussed, the armrest of the massaging bed cushion in accordance of the present invention are rotatably coupled to the backrest so that they may be placed in a folded position along the two side edges of the backrest. Clearly, this feature is not disclosed, taught or rendered obvious by the combination of Cassini and Tomlinson in that neither reference suggest such folded positioning of the armrest along the side edges of the backrest.

However, to more clearly define the present invention, independent claim 1 has been amended to specifically recite that the backrest includes two elongated side edges, and that the armrests are elongate, each having a longitudinal axis, so that when in the folded position, the longitudinal axes of the armrests extend along the two side edges of the backrest. In addition, independent claim 16 has been amended to specifically recite that the backrest has an elongated right side and a left side, and that the armrests are elongate and rotatably

coupled to the respective sides of the backrest so that the armrests can be rotated into a folded position with the elongate armrests position adjacent to, and extending along, of the elongate right side and the elongate left side of the backrest. Moreover, independent claim 31 has been amended to specifically recite that the two means for arm resting rotate about respective axes extending transversely from the side edges of the means for the back support.

Clearly, the cited combination of Cassini and Tomlinson in references fail to disclose, teach, or otherwise render obvious, the massaging cushion as now claimed. Moreover, the various dependent claims have been amended to be consistent with the amended independent claims upon which they ultimately depend. Correspondingly, the withdrawal of this rejection, and the allowance of claims 1-4, 6, 8-10, 12, 16-19, 21, 23-25, 27, and 31 are respectively requested.

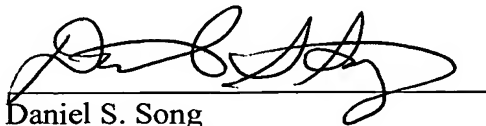
Referring again to the Office Action, claims 5, 15, 20, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cassini in view of Tomlinson as applied to independent claims 1 and 16 above, in further view of U.S. Patent No. 3,542,427 to Herpel et al. However, this rejection is believed to be rendered in moot in view of the above amendments to the independent claims 1 and 16 upon which these claims ultimately depend. Correspondingly, the withdrawal of this rejection, and the allowance of claims 5, 15, 20, and 30 are respectfully requested.

In addition, in the Office Action, claims 1, 7, 11-13, 16, 22, 26-28, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cassini discussed above in view of U.S. Patent No. 6,682,494 to Slichter III et al. However, as discussed and agreed to during the personal interview, this rejection is improper in that the recited combination of these references still fail to disclose or render obvious, the present invention as originally claimed. Moreover, this rejection is further believed to be rendered moot in view the above amendments to the independent claims 1, 16, and 31. Correspondingly, the withdrawal of this rejection, and the allowance of these claims are also respectfully requested.

Referring again to the Office Action, claims 14 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cassini in view of Tomlinson, discussed above, in further in view of U.S. Patent No. 5,423,098 to Swezey et al. However, this rejection is also believed to be rendered in moot in view of the above amendments to independent claim 1 and claim 16 upon which these claims ultimately depend. Correspondingly, the withdrawal of this rejection, and the allowance of dependent claims 14 and 29 are respectfully requested.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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